

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

JS 6

Case No. CV 10-2976 DSF (MANx)

Date 5/3/10

Title Fed. Home Loan Mortgage Corp. v. Juan Cardoza

Present: The
Honorable

DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (In Chambers) Order REMANDING Case to Superior Court of California, County of Los Angeles

This matter was removed from state court on April 21, 2010, based on federal question jurisdiction and diversity jurisdiction. The complaint filed by Plaintiff is a state law unlawful detainer complaint and does not state a federal cause of action. Defendant also does not state a federal defense, but even if he did, federal jurisdiction is based on the plaintiff's complaint and not on any counterclaims or defenses that a defendant might assert. See Holmes Group, Inc. v. Vornado Air Circulation Sys., Inc., 535 U.S. 826, 830-32 (2002). The discovery request referenced in the notice of removal does not confer federal jurisdiction. There is also no diversity jurisdiction. The notice of removal claims that both parties are citizens of California, so there is no diversity. In addition, the notice of removal asserts that the amount in controversy exceeds \$95,000, but the complaint alleges no such amount and there is no other support for that assertion.

The case is REMANDED to the Superior Court of California, County of Los Angeles.

IT IS SO ORDERED.